

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PRESCRIPTION CONTAINERS, INC. d/b/a PCI,

Plaintiff

- against -

MARIA CABLES, PURECHOICE, CORP.
d/b/a PC, PHIL GLOBAL SOURCING,
and ABC COMPANIES,

Defendants.
-----X

-----X
MARIA CABLES

Counter Claimant

- against -

PRESCRIPTION CONTAINERS, INC.,

Counter Defendant.
-----X

-----X
MARIA CABLES,

Counter Claimant

-against-

MWI VETERINARY SUPPLY, INC.,
ROBERT ZEIDE, and MARLY DOG, INC.,

Third-party Counter
Defendants.
-----X

AMON, Chief United States District Judge.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 25 2014 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION

ORDER

12-CV-04805 (CBA) (VMS)

On February 14, 2014, Magistrate Judge Vera M. Scanlon issued a Report and
Recommendation ("R&R") recommending that the Court deny plaintiff's motion for a default

judgment against defendant Phil Global Sourcing ("PGS"), with leave to renew should plaintiff amend its pleadings and properly serve PGS. The R&R further recommended that this Court vacate the Clerk's entry of default against PGS.

Neither party has objected to the R&R and the time for objecting to the R & R has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Scanlon's R&R as the opinion of the Court.

Accordingly, (1) plaintiff's motion for default is denied with leave to renew, should plaintiff amend its deficient pleadings and properly serve PGS, and (2) the Clerk's entry of default against PGS is vacated.

SO ORDERED.

Dated: Brooklyn, New York
March 24, 2014

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge